

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

CR. 97-00098 (HL)

v.

ALEXANDER RODRIGUEZ MIRANDA,
AKA: ALEX,
Defendant.

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2006 MAY -2 PM 4:25
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

MOTION FOR RECONSIDERATION PURSUANT TO
FED. R. CV. PROC. 60(a) & FED.R. CV. PROC. 59(e)
ARTICLE III

TO THE HONORABLE JUDGE, HECTOR M. LAFFITTE:

COMES NOW, Defendant ALEXANDER RODRIGUEZ MIRANDA, pro-se (hereinafter "Defendant") and respectfully moves this Honorable court in request for reconsideration pursuant to Fed. R. CV. Proc. 60(a) and FED. R. CV. Proc. 59(e). Defendant states and prays as follows:

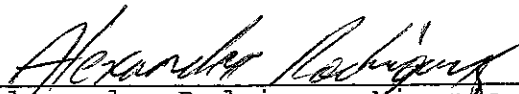
1. That on March 20, 2006 defendant submitted motion requesting court order to correct pre-sentence report, because the Honorable sentencing Judge during the sentencing hearing lowered defendant's criminal History Category from IV to II since it is overrepresented. see; Judgement and commitment Order on page 4 signed by Honorable Hector M. Laffitte, herein attached.
2. That on April 24, 2006, defendant received a simple copy of the front page of defendants motion filed on March 20, 2006, signed on the left hand side of that front page where it states 4/19/05 denied HL dkt 252.

3. That defendant submits this Judgment and Commitment Order to show the Honorable Judge that it was he that changed his Category History from a IV to a II and that the BOP cannot use a Category History of IV when it was the presiding Judge that changed that Category History to a II, this is why defendant requested a court order directing the parole office that prepared the Pre-Sentence report to correct this problem with the P.S.R where it shows on page 6 of the P.S.R. an incident as a minor that the case manager at this facility is using as a conviction that the sentencing Judge did not allow and changed the category from a IV to a II.

4. That defendant respectfully request the Honorable Judge reconsider his request pursuant to F.R.CV.P. 60(a) & F.R.CV.P. 59(e) do to the fact that defendant was sentence as Category II and not as a category IV.

WHEREFORE, defendant respectfully request this honorable court order the B.O.P. records Office and or the parole office that prepared that P.S.R. to correct this defect in the P.S.R. that is hindering defendant from receiving a lower custody level by his unit case Manager where if this problem is corrected defendant will be considered for camp placement. Defendant prays this motion for reconsideration is granted for all the reasons stated above.

RESPECTFULLY SUBMITTED, in Jesup, Georgia, this April 26,2006.


Alexander Rodriguez Miranda
14800-069 Unit A-4
Federal Satellite Low
2650 Hwy 301 South
Jesup, Georgia 31599


CERTIFICATE OF SERVICE

I hereby certify that on this same date April 26, 2006 I have mailed a true and correct copy of this Motion to the following:

AUSA, Aixa Maldonado-Quinones
U.S. Federal Building Room 452
150 Carlos Chardon St.
Hato Rey, Puerto Rico 00918

U.S. Probation Office
Ms. Miriam Figueroa, U.S. P.O.
U.S. Federal Building
Carlos Chardon St.
Hato Rey, Puerto Rico 00918

April 26, 2006



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